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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,779	12/20/2001	Adrian G. Spencer	GB 000177	2937

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

FOX, JAMAL A

ART UNIT PAPER NUMBER

2664

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,779

Applicant(s)

SPENCER ET AL.

Examiner

Jamal A. Fox

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 4, 6-11, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/024,779.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/20/01 & 5/21/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 14 and 15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "around" in claim 3 is a relative term which renders the claim indefinite. The term "around" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Haartsen et al. (U.S. Patent No. 5,940,431).

Referring to claim 1, Haartsen et al. discloses a method of synchronizing (synchronized, col. 1 lines 44-46; synchronization, col. 5 lines 20-35) the hop sequences (hop sequence, col. 1 lines 39-52 and col. 5 lines 1-19) of frequency hopping (hopping, col. 1 lines 39-52) radio frequency transceivers (transceivers, col. 1 lines 39-52 and col. 4 lines 47-67 and col. 5 lines 30-52), comprising transmitting from a first transceiver (transceivers, col. 1 lines 39-52 and col. 4 lines 47-67 and col. 5 lines 30-52) a first message (message, col. 1 lines 39-52, col. 2 lines 28-46 and col. 4 lines 18-35) at least once on each of a first plurality of radio channels (channel, col. 1 lines 39-52) selected sequentially according to a first sequence at a first rate (rate, col. 1 lines 39-52), receiving in a second transceiver (transceivers, col. 1 lines 39-52 and col. 4 lines 47-67 and col. 5 lines 30-52) on simultaneous combinations of radio channels (channel, col. 1 lines 39-52) selected sequentially from a second plurality of radio channels (channel, col. 1 lines 39-52) according to a second sequence at a second rate (rate, col. 1 lines 39-52), wherein the first and second plurality of radio channels (channel, col. 1 lines 39-52) have at least partial commonality, and in response to receiving at the second transceiver (transceivers, col. 1 lines 39-52 and col. 4 lines 47-67 and col. 5 lines 30-52) the first message (message, col. 1 lines 39-52, col. 2 lines 28-46 and col. 4 lines 18-35) on any of the second plurality of radio channels (channel, col. 1 lines 39-52), transmitting from the second transceiver a second message (message, col. 1 lines 39-52, col. 2 lines 28-46 and col. 4 lines 18-35)

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and aligning (inherent, because of the synchronization) the hop sequences (hop sequence, col. 1 lines 39-52 and col. 5 lines 1-19) of the first and second transceivers.

Referring to claim 2, Haartsen et al. discloses a method of claim 1, wherein the simultaneous (simultaneously, col. 4 lines 58-68 and col. 9 lines 25-35) combinations of radio channels comprise simultaneous (simultaneously, col. 4 lines 58-68 and col. 9 lines 25-35) combinations of two radio channels.

Referring to claim 5, Haartsen et al. discloses a method as claimed in any of claims 1 to 4, further comprising switching the second transceiver into a single-channel-at-a-time reception (reception, col. 4 lines 20-30) mode in response to receiving the first message.

Referring to claim 12, Haartsen et al. discloses a radio receiver as claimed in claim 6 or 7, comprising control means operable to invoke a single-channel-at-a-time reception (reception, col. 4 lines 20-30) mode in response to receiving a predetermined message.

Referring to claim 13, Haartsen et al. discloses a radio receiver as claimed in claim 6 or 7, further comprising control means for selecting for further processing a signal from among a plurality of simultaneously (simultaneously, col. 4 lines 58-68 and col. 9 lines 25-35) received signals.

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Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.


Jamal A. Fox


WELLINGTON CHIN
ADVISORY PATENT EXAMINER